

WEINBERG, BERGESON & NEUMAN

1300 EYE STREET, N. W.

SUITE 600 EAST

WASHINGTON, D. C. 20005

LYNN L. BERGESON

TELEPHONE: 202-662-8585

FACSIMILE: 202-662-8599

November 8, 1991

Via Certified Mail
Return Receipt Requested

Ms. Carol J. Manning-Zenone
On-Scene Coordinator
Removal Enforcement Section
Mail Stop 3HW33
U.S. Environmental Protection Agency
841 Chestnut Building
Philadelphia, Pennsylvania 19107

Re: Courtaulds Packaging Inc., Wheeling, West Virginia

Dear Ms. Manning-Zenone:

This letter responds to the U.S. Environmental Protection Agency's ("EPA") letter of October 18, 1991, to our client, Courtaulds Packaging Inc. ("Courtaulds"), regarding Courtaulds' facility at Eighth and Hazlett Streets, Wheeling, West Virginia.^{1/} EPA's letter requests certain information related to the facility. It also states that Courtaulds may be potentially liable under Section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA") for conditions at the facility and that EPA may ask Courtaulds to conduct and/or finance forthcoming removal actions.

As our letter of October 22, 1991, states, Courtaulds is strongly committed to addressing and remediating the hazards related to the presence of lead in soils at the facility, in a manner protective of human health and the environment. Courtaulds wishes to reiterate its willingness to cooperate fully with EPA and the West Virginia Department of Natural Resources in this matter.

^{1/} Please note that Mr. Leo Bolden no longer is General Manager of the facility. Future correspondence on this matter may be directed to Mr. David Gentry, Vice-President of Finance, Courtaulds Packaging, 1600 East Davis Street, Arlington Heights, Illinois 60005 and to me.

AR100035

WEINBERG, BERGESON & NEUMAN

Ms. Carol J. Manning-Zenone
November 8, 1991
Page 2

Courtaulds first learned in 1989 that lead was present in facility soils, when it acquired Wheeling Stamping Company and became the property's owner. Company officials voluntarily initiated an investigation of the lead contamination at that time. This preliminary investigation was completed in July 1990, and Courtaulds submitted the results to the West Virginia Department of Natural Resources and to Mr. James Fenske, EPA. Based on those results, Courtaulds retained a consultant to delineate further the extent of contamination, identify those areas of the facility requiring remediation and implement a strategy to address those areas. In short, over the past two years Courtaulds has invested a substantial amount of effort and resources in characterizing the nature and extent of the facility's lead contamination and in developing a remediation strategy. Courtaulds fully intends to continue these efforts.

Responses to your requests for general information on the facility's past and present ownership, as well as to the seven specific inquiries, are set forth below. Each of the seven specific inquiries is restated for convenience.

Past and Present Owners

The site's chain of ownership is detailed in the September 18, 1991, letter from Courtaulds' local counsel, Mr. John Preston Bailey, appended at Tab 1. Because the chain of title separates at various points, for purposes of the description, Mr. Bailey divided the property into two parcels, "A" and "B". A summary of the chain of title follows:

Courtaulds acquired both parcels A and B in 1989 from Wheeling Stamping Company. Parcels A and B were conveyed to Wheeling Stamping Company by Continental Can Company on December 26, 1944. Continental Can purchased parcels A and B from Wheeling Steel Corporation on December 1, 1928. Wheeling Steel Corporation purchased parcels A and B from Whitaker-Glessner Company on April 10, 1923.

At this point the chain of title diverges between parcels A and B. Parcel A was conveyed to Whitaker-Glessner Company by Wheeling Can Company on August 28, 1919. The Wheeling Can Company acquired Parcel A from the Warwood Land Company on April 3, 1919.

Parcel B was conveyed to Whitaker-Glessner Company by Albert M. Schenk and Emma Y. Schenk on November 15, 1922. Mr. Albert M. Schenk obtained Parcel B from Mr. Albert F. Schenk on September 18, 1915. Mr. Albert F. Schenk obtained Parcel B from

AR100036

WEINBERG, BERGESON & NEUMAN

Ms. Carol J. Manning-Zenone
November 8, 1991
Page 3

Packers Motor Truck Company on March 20, 1914. Packers Motor Truck Company obtained Parcel B from Spears Axle Company on March 20, 1911. Spears Axle Company obtained parcel B from Warwood Land Company on April 15, 1909.

Response to Specific Inquiries

1. **The identity and quantities of the hazardous substances, as defined by Section 101(14) of CERCLA ("Hazardous Substances"), transported to, stored, treated, generated or disposed of at the site.**

Courtaulds' knowledge of hazardous substances transported to, stored, treated, generated or disposed of at the site generally is limited to operations occurring subsequent to Wheeling Stamping's acquisition of the property from Continental Can Company in December, 1944. To Courtaulds' knowledge, lead is the only hazardous substance that was transported, stored, treated, generated or disposed of at the site. Lead casting activities in the manufacture of various metal containers, including dentrifice tubes, were formerly conducted at the facility. Those activities began in 1950. Lead was transported to the site in ingot form for use in the casting process. The production of lead tubes ceased in 1976. Courtaulds understands that Continental Can also may have utilized lead in soldering and tinning operations.

2. **The date(s) such Hazardous Substances were transported to, stored, treated, generated, or disposed of at the Courtaulds Lead Site.**

As stated above, Courtaulds' knowledge of lead transported to, stored, treated, generated, or disposed of at the facility is limited to the period after 1950. Courtaulds understands that lead ingots were shipped to the facility for use in lead casting operations between 1950 and 1976. The production of lead tubes ceased in 1976. Courtaulds understands that Continental Can, which owned the property from December 1, 1928, to December 26, 1944, also may have utilized lead in soldering and tinning operations.

3. **All correspondence between you or your company and any regulatory agencies regarding such Hazardous Substances;**

This correspondence is appended at Tab 2.

AR100037

WEINBERG, BERGESON & NEUMAN

Ms. Carol J. Manning-Zenone
November 8, 1991
Page 4

4. All correspondence between you or your company and any third parties regarding such substances.

This correspondence is appended at Tab 2.

5. All documents relating to any person who generated, treated, stored, transported, or disposed, or who arranged for the treatment, storage, disposal or transportation of such Hazardous Substances.

Courtaulds is unable to locate any documents relating to the shipment of lead ingots to the facility. Courtaulds believes that the documents may have been destroyed, based on the length of time since the last shipment of lead to the facility.

6. All deeds, rights-of-way, leases, or other real estate interests which you have or have had related to the Courtaulds Lead Site.

These documents are appended at Tab 3.

7. The current custodian, location and description, of any of the above referenced documents that you were unable to obtain, and all efforts taken to obtain such documents.

As noted above, Courtaulds is unable to locate documents relating to the shipment of lead ingots to the facility. Courtaulds believes that the documents may have been destroyed, based on the length of time since the last shipment of lead to the facility.

We hope this information is responsive to your request. If you have any questions, or require additional information, please call me at (202) 962-8577.

Sincerely,


Lynn L. Bergeson

Enclosures
cc: Mr. David M. Gentry (w/enclosures)

AR100038

AR100039

BYRUM, BAILEY & RILEY
ATTORNEYS AT LAW
600 RILEY BUILDING
WHEELING, WEST VIRGINIA 26003

GEORGE C. BAILEY (1912-1989)
JAMES A. BYRUM
JOHN PRESTON BAILEY
CHERYL DEAN RILEY
ANNE D. HARMAN

September 18, 1991

RECEIVED

SEP 23 1991

TELEPHONE
(304) 232-4673

FACSIMILE
(304) 232-9897

Lynn Bergeson, Esq.
Weinberg, Bergeson & Neuman
1300 Eye Street, N.W.
Suite 600
Washington, DC 20005

Re: Courtaulds Packaging/Wheeling Stamping
EPA Problem

Dear Ms. Bergeson:

The following is a summary of the chain of title of the real estate titled in the name of Wheeling Stamping Company in Wheeling, Ohio County, West Virginia, from the present back to Warwood Land Company. Warwood Land Company was a land development company, and neither it nor its predecessors in title would have conducted any manufacturing activity. (In fact, it was farmland).

Inasmuch as the chain of title separates at various points, I have chosen to subdivide the property into two parcels for this report. The parcels are reflected on the enclosed map.

Parcel A consists of the northerly portion of the property bounded on the south by North 8th (formerly Forest) Street, on the east by Hazlett (formerly Ohio) Avenue, on the north by Alley "C", and on the west by the right of way of the P.C.C. & St. L. Railway.

Parcel B consists of Lots 164, 165, 166, 167, 168 and 169, as the same are shown on the Plat of South Warwood, together with a 40' strip located adjacent to and immediately west of said Lots 164 through 169. This parcel is bounded on the north by North 8th (Forest) Street, on the east by Hazlett (Ohio) Avenue, on the south by North 6th (First) Street, and on the west by the P.C.C. & St. L. Railway.

1. Both Parcels A and B were conveyed to Wheeling Stamping Co., a corporation, by Continental Can Company, Inc., a corporation, by deed dated December 27, 1944, which said deed was recorded in said Clerk's office in Deed Book 278, at page 53, December 29, 1944, at 4:19 p.m.

AR100040

Lynn Bergeson, Esq.
September 18, 1991
Page No. Two

2. Both Parcels A and B were conveyed to Continental Can Company, Inc., a New York corporation, by Wheeling Steel Corporation, a Delaware corporation, by deed dated December 1, 1928, which said deed was recorded in said Clerk's office in Deed Book 216, at page 33, on December 4, 1928, at 1:54 p.m. In this deed Parcel A is identified as Parcels 25 and 26, and Parcel B is identified as Parcels 27 and 28.

3. Both Parcels A and B were conveyed to Wheeling Steel Corporation, a corporation, by Whitaker-Glessner Company, a corporation, by deed dated April 10, 1923, which said deed was recorded in said Clerk's office in Deed Book 188, at page 412, on July 9, 1923, at 12:02 p.m.

NOTE: At this point the chain of title splits between Parcels A and B.

4A. The parcel which has been identified as Parcel A was conveyed to Whitaker-Glessner Company, a West Virginia corporation, by Wheeling Can Company, a West Virginia corporation, by deed dated August 28, 1919, which said deed was recorded in said Clerk's office in Deed Book 179, at page 70. Said deed was not recorded until October 7, 1921, at 2:06 p.m. In said deed the property is identified as Parcels 28 and 29.

5A. Parcel A was conveyed to Wheeling Can Company, a West Virginia corporation, by Warwood Land Company, a West Virginia corporation, by deed dated April 3, 1919, which said deed was recorded in said Clerk's office in Deed Book 165, at page 142, on April 9, 1919, at 4:45 p.m.

4B. The property identified as Parcel B in this report was conveyed to Whitaker-Glessner Company by Albert M. Schenk and Emma Y. Schenk, his wife, by deed dated November 15, 1922, which said deed was recorded in said Clerk's office in Deed Book 194, at page 509, on November 15, 1922, at 3:27 p.m.

5B. Parcel B was conveyed to Albert M. Schenk by Albert F. Schenk by deed dated September 18, 1915, which said deed was recorded in said Clerk's office in Deed Book 153, at page 406, on June 12, 1916, at 4:02 p.m.

6B. Parcel B was conveyed to Albert F. Schenk by Packers Motor Truck Company, a corporation, by deed dated March 20, 1914, which said deed was recorded in said Clerk's office in Deed Book 146, at page 319, on March 24, 1914, at 4:30 p.m.

AR100041

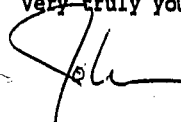
Lynn Bergeson, Esq.
September 18, 1991
Page No. Three

7B. Parcel B was conveyed to The Packers Motor Truck Company, a corporation, by Spears Axle Company, a West Virginia corporation, by deed dated March 20, 1911, which said deed was recorded in said Clerk's office in Deed Book 136, at page 558, on April 5, 1911, at 1:45 p.m.

8B. Parcel B was conveyed to Spears Axle Company, a West Virginia corporation, by Warwood Land Company, a West Virginia corporation, by deed dated April 15, 1909, which said deed was recorded in said Clerk's office in Deed Book 130, at page 188, on April 30, 1909, at 10:30 a.m.

If you need any further information, please let me know.

Very truly yours,



John Preston Bailey

JPB:klb

AR100042

BROWN'S

115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123
115	116	117	118	119	120	121	122	123

130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122
130	129	128	127	126	125	124	123	122

146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138
146	145	144	143	142	141	140	139	138

155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163
155	156	157	158	159	160	161	162	163

←

ROAD

11708

4615

HAZZETT AVE.

Wheeling Stapine Co.

ST.

C. C. & G. L. R. R.

AR10004

WARWOOD LAND CO.

TO.

P.C.C. & ST. L. A.R. Co.

D.B. 158 p. 590

HIO → RIVER

STREET

2

AR100044

WEINBERG, BERGESON & NEUMAN
1300 EYE STREET, N. W.
SUITE 600 EAST
WASHINGTON, D. C. 20005

TELEPHONE: 202-962-8585
FACSIMILE: 202-962-8599

LYNN L. BERGESON

September 21, 1990

Mr. Jim Gaston
West Virginia Department
of Natural Resources
c/o United States Environmental
Protection Agency
303 Methodist Building
Wheeling, West Virginia 26003

Re: Courtaulds Packaging Inc.

Dear Mr. Gaston:

This responds to your oral request for a summary of the lead soil sampling results taken from Courtaulds Packaging Inc.'s ("CPI") facility in Wheeling, West Virginia (formerly Wheeling Stamping Company). CPI's management only recently received the final results of the soil sampling analyses, and is now assessing these data and analyzing its options in response to them. Because of the lack of access to the area, the considerable depth to groundwater and the absence of any evidence of runoff from the facility, CPI believes there is no basis for immediate concern.

As you may be aware, Wheeling Stamping Company was acquired by Courtaulds plc ("Courtaulds") in July of 1989. As is its practice, Courtaulds retained the services of a consultant to conduct a pre-acquisition environmental assessment of the facility. In this instance, Courtaulds retained First Environment of Riverdale, New Jersey.

First Environment's audit activities disclosed the presence of lead in soil at certain locations at the facility. The contamination appears to be historic. (We understand that lead is not used in any manufacturing operation, nor has it been for many years.) To obtain a better understanding of the scope of the contamination, First Environment conducted soil sampling at the facility in May of this year and August of 1989. All soil samples were collected and processed in accordance with First Environment's quality control procedures and sent to an EPA certified laboratory for analysis.

ARI00045

WEINBERG, BERGESON & NEUMAN

Mr. Jim Gaston
September 21, 1990
Page 2

The analytical results are appended at Attachment 1. Maps of the facility are appended at Attachment 2. (One map depicts the location of the areas from which samples S-1 through S-21 were taken; the other map depicts the location of the areas from which samples S-22 through S-52 were taken.) Finally, several soil samples collected were analyzed for EP lead toxicity. Pursuant to your request, we have appended at Attachment 3 the EP lead toxicity results.

We trust this information is responsive to your request. If you have any questions, please call the undersigned at (202) 962-8577.

Sincerely,


Lynn L. Bergeson

Attachments

cc: Mr. Leo Bolden (with attachments)

AR100046

ATTACHMENT 1

CONCENTRATIONS OF LEAD IN SOIL CPI WHEELING, WEST VIRGINIA

LOCAL- TION	DATE (1989- (1990)	CONCENTRATION (PPM) AT DEPTH (IN.)									
		0-6	6-12	12-18	18-24	24-30	30-36	36-42	42-48	48-52	52-58
S-1	08-10	6,500	--	300	--	--	--	--	--	--	--
S-2	08-10	13,000	--	290	--	--	--	--	--	--	--
S-3	08-10	310	--	130	--	--	--	--	--	--	--
S-4	08-10	780	--	3,000	--	--	--	--	--	--	--
S-5	08-10	180	--	--	--	--	--	--	--	--	--
S-6	08-10	20,000	--	12,000	--	--	--	--	--	--	--
S-7	08-10	1,100	--	6,000	--	--	--	--	--	--	--
S-8	08-10	370	--	230	--	--	--	--	--	--	--
S-9	08-10	580	--	--	--	--	--	--	--	--	--
S-10	08-10	85	--	15	--	--	--	--	--	--	--
S-11	08-10	10,000	--	20	--	--	--	--	--	--	--
S-12	08-10	14,000	--	15	--	--	--	--	--	--	--
S-13	08-10	15,000	--	690	--	--	--	--	--	--	--
S-14	08-10	460	--	36	--	--	--	--	--	--	--

AR100047

CONCENTRATIONS OF LEAD IN SOIL

**CPI
WHEELING, WEST VIRGINIA**

AR 100048

[illegible]

CONCENTRATIONS OF LEAD IN SOIL
CH
WHEELING, WEST VIRGINIA

LOCATION	DATE	5-6	5-11	12-11	11-24	11-20	12-21	12-21	11-24	11-20	12-21	12-21	11-24	11-20	12-21
S-22	02-23	N/A													
S-21	05-08		393												
S-24	05-08	735	134	669											
S-24	(Duplicate)		253	78.2 ²											
S-25	05-08	25.6													
S-26	05-08	u ³													
S-27	05-08	144													
S-28	05-08	547													
S-29	05-08	46.7													
S-30	05-09	494													
S-31	05-09														
S-32	05-09														
S-32	(Duplicate)														
S-33	05-09														
S-34	05-09	1.10													
S-35	05-09	2,710													
S-36	05-09														
S-37	05-09	486 ⁵													
S-38	05-09	538 ⁵													
S-39	05-09														
S-40	05-09	2,700													
S-41	05-09														
S-42	05-09	1,790													
S-43	05-09	4,340													
S-43	(Duplicate)														
S-44	05-10	164													
S-45	05-10	232													
S-46	05-10	247													
S-46	(Duplicate)	1390													
S-47	05-10	u ³													
S-48	05-10	3,480													
S-49	05-10	21.1 ⁹													
S-50	05-10	59.7													
S-51	05-10	230													
S-51	(Duplicate)														
S-52	05-10	527													
S-52		13,900													

Notes

1. Sample analyzed for EP toxicity only

2. 26"-32"

3. u = Undetected

4. 20"-24"

5. 48"-51"

6. 26"-32"

7. 18"-21"

8. 0"-12"

9. 0"-4"

AR100049

Maps Omitted
due to size

ARI00050

3

AR100051

ATTACHMENT 3
EP LEAD TOXICITY RESULTS
CPI
WHEELING, WEST VIRGINIA

AR100052

<u>LOCATION</u>	<u>DEPTH (IN.)</u>	<u>DATE</u>	<u>LEAD (PPM)</u>	<u>EP TOXICITY (PPM)</u>
S-22	0-6	02-23-90	20,000	2,270
S-22	15-21	02-23-90	12,000	24.6
S-23	24-30	05-08-90	669	0.088
S-27	0-6	05-08-90	344	53.6
S-29	12-18	05-08-90	413	0.050
S-42	0-6	05-09-90	1,790	0.326
S-42	30-36	05-09-90	17.2	0.076
S-46	0-6	05-10-90	1,390	1.17
S-51	12-18	05-10-90	80.6	u
S-52	12-18	05-10-90	13,900	14.2